



11.13

DEPARTMENT OF
PUBLIC WORKS

OFFICE OF THE DIRECTOR
ADMINISTRATION

CITY OF SACRAMENTO
CALIFORNIA

November 18, 1994

CONTINUED
FROM 12/6/94
TO 12/13/94
CITY HALL
ROOM 207
915 I STREET
SACRAMENTO, CA
95811-3608
TEL 916-264-7110
FAX 916-264-5573

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: WILLOWCREEK ASSESSMENT DISTRICT #94-03, INITIATION ACTIONS

LOCATION AND COUNCIL DISTRICT:

The Willowcreek Assessment District is within the South Natomas Community Plan area in Council District #1 (please see attached Exhibit "A"). The district includes 43 parcels of land, located just west of the Natomas Main Drainage Canal, and south of Interstate 80.

RECOMMENDATION:

This report recommends that the City Council:

- Adopt Resolution Approving Boundary Map.
- Adopt Resolution of Intention.
- Adopt Resolution Approving Agreement for Legal Services.
- Adopt Resolution Setting Time and Place for Determining Public Convenience and Necessity.
- Adopt Resolution Accepting Report and Setting Hearings. (Hearing dates January 24 and January 31, 1995).
- Approve Plans and Specifications and Authorize the Clerk to Advertise for Bids.

CONTACT PERSON: Ron Wicky, Special District Analyst, 264-5628

FOR COUNCIL MEETING OF: December 6, 1994

SUMMARY:

This report initiates formation of the assessment district to be known as the "Willowcreek Assessment District #94-03" for the City of Sacramento. Adoption of the attached Resolutions will set the date, time and place for the public hearings. The hearings are scheduled for the evenings of January 24 and 31, 1995.

COMMITTEE/COMMISSION ACTION:

None.



BACKGROUND INFORMATION:

The City has received a formal request by 47% of the landowners to initiate the proceedings for this district. The district is being formed to provide the first phase of drainage infrastructure that will serve future development of the area.

The formation of the Willowcreek Assessment is being requested by property owners within the proposed boundaries. Infrastructure for drainage, water, sewer and streets are needed so that this area can fully develop. The property owners have requested that the project be constructed in two phases. The first phase which constitutes this district will provide the funding necessary to construct the pump station outfall structure for the drainage system at the Sacramento River. This phase will also purchase the necessary right-of-way, and purchase the entire pump station design plans.

The most westerly portion of the proposed district lies outside of the City limits. The "Municipal Improvement Act of 1913" requires the City to obtain the County's consent for jurisdiction on formation of an assessment district if a portion of the proposed district lies outside the City limits. The County Board of Supervisors is scheduled to adopt a Resolution consenting to the formation of the Willowcreek Assessment District on November 29, 1994.

Since the Willowcreek area lies within the 100-year flood plain, bonds for this district will be placed on property that may not be able to develop immediately. Most of the area is zoned residential, which cannot practically develop given the requirements of Council, Resolution No. 90-101, which requires elevating residential structures above the 100-year flood elevations in the Natomas Basin. Approximately 20% of the land within the boundary is proposed to be non-residential and may be able to develop with restrictions, depending on whether this area is allowed to be mapped as "developed" by the Federal Emergency Management Agency under the proposed AR Zone regulations. The Natomas School District has constructed a school on a 20-acre site within the district and will benefit from the improvements being furnished with this project. The school district has given preliminary indication that they will make a contribution for their share of the cost of this project. Staff will pursue an agreement with the school district and will know the extent of the contribution by the final hearing on this district.

FINANCIAL CONSIDERATIONS:

The project will be funded by the property owners within the district and a possible contribution by the Natomas School District. The following is a summary of costs for the project.

Estimated Construction Cost	\$ 540,000
Contingency	81,000
Right-of-Way	110,000
Engineering Design	70,700
Engineering, Administration & Staking	80,000
Purchase of Pump Station Plans	360,000
Bond Incidentals	<u>159,500</u>
Sub Total	1,401,200
Reserve Account	143,300
Bond Discount	<u>47,800</u>
Amount Assessed to Property Owners	\$1,592,300

The above expenditures are detailed in the Engineer's Report on file with the City Clerk. Final budgeting recommendations will be made at the time of contract award and sale of bonds. There is no impact to the General Fund as a result of this district. A non-refundable fee of \$20.00 will be charged for each set of plans and specifications to cover the cost of reproduction.

ENVIRONMENTAL CONSIDERATION:

The Environmental Service Section has reviewed the staff report and has noted that this project was evaluated in the Natomas West Assessment District EIR.

POLICY CONSIDERATIONS:


The procedures under which this district is being formed are set forth in the California Streets and Highways Code, specifically Division 12 entitled "*Municipal Improvement Act of 1913*" and Division 10 entitled, "*Improvement Bond Act of 1915.*"

Project approval and authorization for bid advertisement are consistent with Title 58, Article III, Section 58.301, of the City Code.

MBE/WBE:

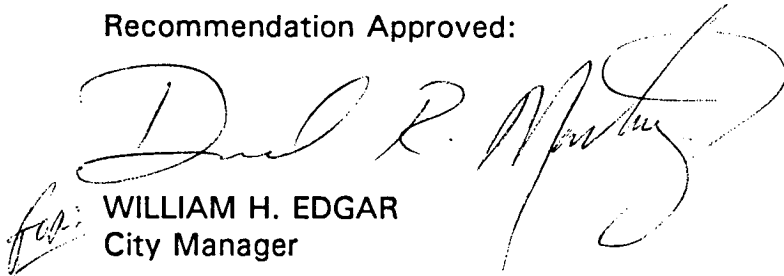
To encourage minority participation, plans and specifications will be sent to 7 plan rooms and the construction services organization for publication. Four of the 7 plan rooms are directly involved with MBE/WBE construction firms. Staff will actively recruit available MBE/WBE firms to participate in the bid process. The project will be announced on the Architecture & Engineering Project Information Line which contains information on Public Works and Utility Department projects. Project notices will be sent to 11 organizations involved in MBE/WBE recruitment.

Respectfully submitted,



GARY ALM
Manager, Special Districts

Recommendation Approved:

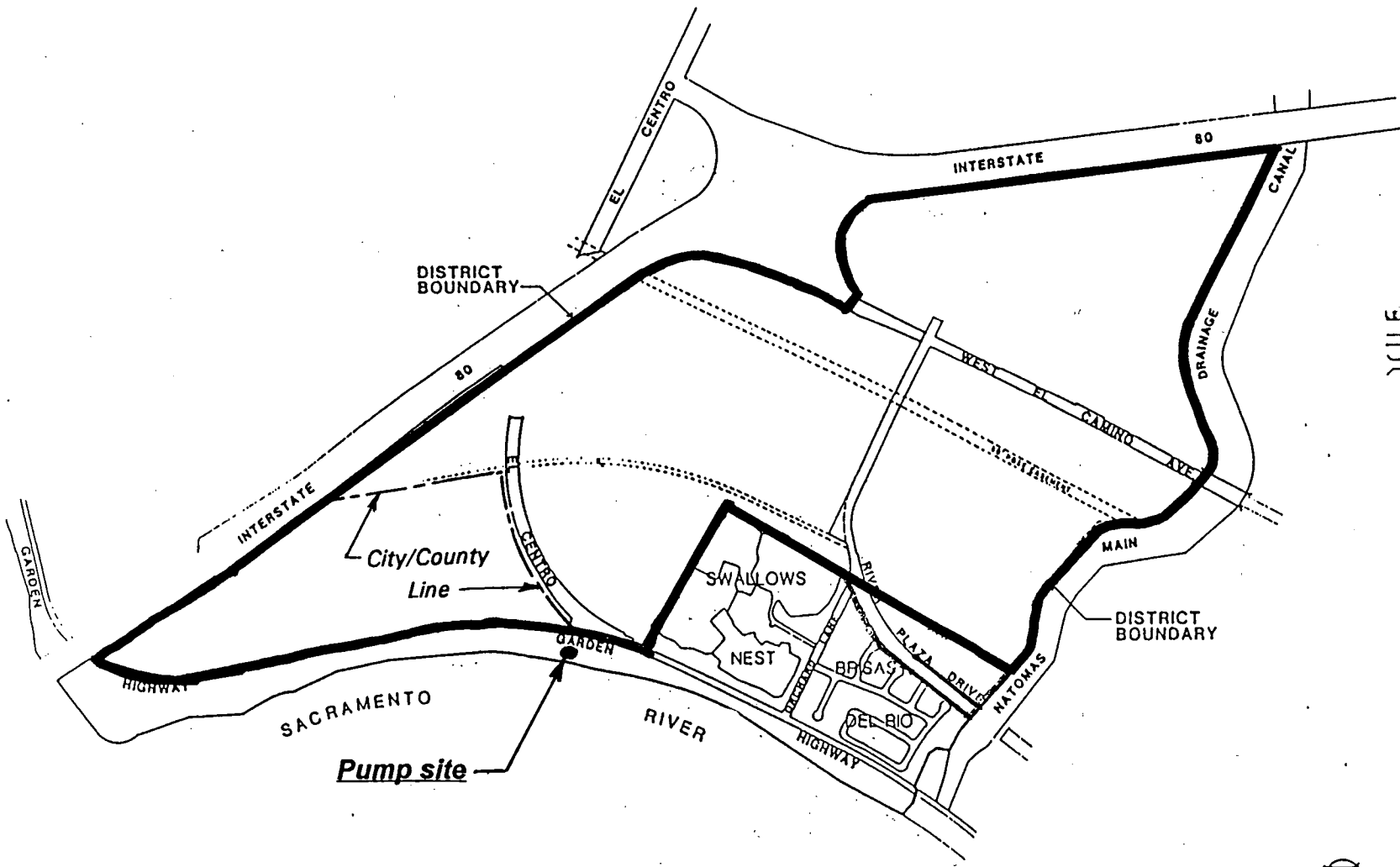


WILLIAM H. EDGAR
City Manager

Approved:



MICHAEL KASHIWAGI
Deputy Director of Public Works



LEGEND
 |||| EXISTING ROADS
 ||||| EXISTING BRIDGE

MAY, 1989



**WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03
 LOCATION MAP**

7

WILLOWCREEK ASSESSMENT DISTRICT #94-03

November 22, 1994 Council Requests Jurisdiction from County Board of Supervisors
November 29, 1994 County Adopts Resolution Granting Jurisdiction to City of Sacramento
December 1, 1994 Property Owner(s) Community Meeting

December 6, 1994 COUNCIL ADOPTS RESOLUTION OF INTENTION AND SETS HEARING DATES

December, 1994 Record Boundary Map with County Recorder
December, 1994 Mail, Publish Notice of Hearing
January 4, 1995 Receive Bids
January 24, 1995 Council Holds Public Hearing No. 1
January 31, 1995 Council Holds Public Hearing No. 2
COUNCIL CONSIDERS RESOLUTIONS TO OVERRULE PROTESTS AND LEVY THE ASSESSMENTS
February, 1995 Record Assessment Diagram and Notice of Assessment with County
March 21, 1995 **COUNCIL CONSIDERS RESOLUTION AUTHORIZING SALE OF BONDS, APPROPRIATION OF FUNDS - AWARD OF CONTRACT**
April 3, 1995 Bond Closing
April, 1995 City Receives Proceeds from Bonds
April, 1995 Contractor Notice to Proceed
July 1, 1995 Estimated Completion Date for Improvements

**RESOLUTION GRANTING CONSENT TO CONDUCT
ASSESSMENT PROCEEDINGS**

**(CERTIFIED COPY TO BE PROVIDED
BY THE COUNTY AFTER DECEMBER 13)**

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION APPROVING BOUNDARY MAP IN

WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

A map entitled "Proposed Boundaries of Willowcreek Assessment District No. 94-03 (Pump Outfall Structure), City of Sacramento, State of California" has been filed with the City Clerk.

This Council approves the map and adopts the boundaries shown on the map as describing the extent of the territory included in a proposed assessment district to be known as Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California.

This Council finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code.

This Council directs the City Clerk to certify the adoption of this resolution on the face of the map, and to file a copy of the map with the County Recorder for placement in the Book of Maps of Assessment and Community Facilities Districts.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

This Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

- A. Preparation of plans and specifications for a future pumping plant and construction of drainage outfall pipelines for the future drainage pumping plant and appurtenances thereto, levee excavation and levee embankment, concrete outfall structure, rip rap, concrete stairway, concrete walk, pavement and pavement replacement, metal beam guard rail, chain link fence, concrete drainage ditch, traffic control, landscaping and revegetation within easements to be acquired on properties adjacent to the intersection of Garden Highway and El Centro Road. The outfall pipelines will be constructed from the future pumping plant to the Sacramento River in easements to be acquired lying within County Assessor parcel numbers, 274-0022-006, 274-0021-012 and 274-0021-005.
- B. The acquisition of all lands, easements, facilities and rights and the performing of all work auxiliary to any of the above and necessary to complete the same.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Willowcreek Assessment District No. 94-03 (Pump Outfall Structure), City of Sacramento, State of California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California.

This Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of

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RESOLUTION NO.: _____

DATE ADOPTED: _____

California, the County of Sacramento and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improvement and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

In the event that the amount provided for in these proceedings is insufficient to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed which result from the administration and collection of assessment installments or from the administration or registration of the associated 1915 Act bonds and the various funds and accounts pertaining thereto, this Council intends, pursuant to Section 8682.1 and subparagraph (f) of Section 10204 of the California Streets and Highways Code, to impose an annual assessment upon each of the several parcels of land in this assessment district to provide therefor.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed twenty-four (24) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

This Council finds that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800, Streets and Highways Code) does not apply to these proceedings.

This Council appoints the Deputy Director of Public Works as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

In the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized from the assessment it shall be used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

- (a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;
- (b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the City Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or
- (c) For the maintenance of the improvements.
- (d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION APPROVING AGREEMENT FOR LEGAL SERVICES

WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

This Council approves that certain agreement between the CITY OF SACRAMENTO, and STURGIS, NESS, BRUNSELL & ASSAF a professional corporation, for services of that firm as Special Bond Counsel for Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California and attached to this resolution.

The Mayor is authorized to sign the agreement and the City Clerk is authorized to attest its execution.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

AGREEMENT FOR LEGAL SERVICES

WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

This is an agreement for legal services between the CITY OF SACRAMENTO, a municipal corporation of the State of California, referred to as Client, and STURGIS, NESS, BRUNSELL & ASSAF a professional corporation, Attorneys at Law, Emeryville, California, referred to as Bond Counsel.

1. Client retains Bond Counsel as special counsel to perform the following legal services relating to the Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California.

- (a) Preparation of all forms of resolutions, notices, affidavits, and other documents required by the Municipal Improvement Act of 1913, including the legal format of the engineer's report required by Section 10204.
- (b) The preparation of written instructions to Client's Clerk and other staff members concerning the performance of legally required duties.
- (c) Review of documents prepared by Client's engineering staff or consulting engineers, including boundary map, assessment diagram, assessment roll, and the general provisions of construction specifications.
- (d) Attendance at the public hearings on the engineer's report (including continuances of the hearing, if any).
- (e) Attendance at all other public meetings of Client at which matters relating to the assessment district are considered, except routine matters.
- (f) Attendance at staff meetings or meetings of property owners, upon the request of the Client, after reasonable notice.

- (g) Telephone consultation with staff members and property owners to answer legal questions about the assessment proceedings.
- (h) Preparation of the notice inviting bids and construction contract, if required, and review of contract bonds and insurance documents.
- (i) Arrangements for the printing of improvement bonds to represent unpaid assessments, including, if required, the printing of a bond register and assessment installment notices.
- (j) The preparation of a record of assessment installments for the use of the County Auditor, if required, and the preparation of other records of electronic media, if it can be arranged, at the expense of the Client.
- (k) Arrangements for the sale of improvement bonds either by negotiation or by public bid, at the option of Client, including a review of financial disclosure requirements and, if required, the preparation of the notice inviting bond bids.
- (l) The preparation of bond delivery documents.
- (m) The rendition of a legal opinion on the validity of the improvement bonds and the proceedings leading to their issuance.
- (n) Preparation of a transcript of the legal proceedings in loose-leaf form for the use of the Client.
- (o) Preparation of the required reports to the California Debt Advisory Commission (pursuant to Section 8855 et seq. of the Government Code) and to the Internal Revenue Service (pursuant to Section 149 of the Internal Revenue Code of 1986).

2. The services of Bond Counsel under this agreement shall not include the following:

- (a) Legal services in connection with the acquisition of interests in real property, either through negotiation or through exercise of the power of eminent domain.

- (b) Legal services in connection with litigation.

The performance by Bond Counsel of services excluded by this paragraph, if required by Client, shall be under separate oral or written agreement.

3. In consideration of the services set forth in paragraph 1, Client shall pay to Bond Counsel the following fee and costs:

- (a) The legal fee of Bond Counsel shall be a scaled percentage of the amount assessed as set forth in the engineer's report as finally approved under Section 10312 of the Streets and Highways Code.
- (b) The legal fee shall be an amount equal to one and one-half percent (1-1/2%) of that portion of the amount assessed not exceeding \$10,000,000, plus one-half percent (1/2%) of that portion of the amount assessed exceeding \$10,000,000 but not exceeding \$20,000,000, plus one-eighth (1/8%) of that portion of the amount assessed exceeding \$20,000,000. The fee shall be not less than \$1,500.
- (c) In addition to the basic legal fee specified in paragraph (b) above, if bonds representing unpaid assessments are issued in more than one issue, the legal fee shall include \$5,000 for each issue after the first.
- (d) Costs shall be reimbursed to Bond Counsel as follows:
 - 1) Filing and recording fees and publication costs advanced on behalf of Client
 - 2) The cost of preparing auditor's record, if required: 7 cents per assessment for each year of the bond issue, with a minimum of \$30.00.
 - 3) Costs of Federal Express or similar delivery service.
 - 4) Cost of preparation of notices to property owners.

The cost of other services for which Bond Counsel makes arrangements under this agreement (such as bond printing costs and preparation of records on electronic media) shall be billed to the Client and shall be paid by Client directly to the payee.

- (e) Payment by Client of the legal fee is contingent upon the levy of assessments and the sale and delivery of improvement bonds representing unpaid assessments in the assessment district. If for any reason, assessments are not confirmed and bonds delivered, Bond Counsel shall be paid no legal fee.
- (f) Both the legal fee and costs are payable upon delivery of the bonds. If bonds are issued in more than one issue, the cumulative amount payable after each delivery shall be calculated under subparagraph (b) by reducing the amount of the assessment by the par value of bonds authorized but not issued; the amount payable after each delivery shall be the cumulative amount payable less amounts previously paid.

4. Bond Counsel certifies that it has no interest, either direct or contingent, in any property or contract arising from or affected by the assessment district, except as Bond Counsel under this agreement. Bond Counsel does not represent any owner of property within the proposed boundaries of this assessment district, and has not received a fee from any source for services connected with the project.

DATED: December 13, 1994

CITY OF SACRAMENTO, a municipal corporation of the State of California

By _____
Mayor

ATTEST:

By _____
City Clerk

STURGIS, NESS, BRUNSELL & ASSAF
a professional corporation

By _____
Philip D. Assaf

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION SETTING TIME AND PLACE OF HEARING FOR
DETERMINING PUBLIC CONVENIENCE AND NECESSITY

WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

1. Tuesday, January 31, 1995, at 7:30 P. M. in the Chambers of the City Council of the City of Sacramento, 915 "I" Street, Sacramento, California, is hereby fixed as the time and place when and where any and all persons interested may appear and show cause why the Council should not find and determine that the public convenience and necessity require the construction and acquisition of the proposed improvement to be made in Willowcreek Assessment District No. 94-03, without compliance with the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

2. The City Clerk of the City of Sacramento is hereby directed to give notice of the time and place of said hearing in the following manner:

By publishing a Notice of Improvement, said publication to be not less than twenty (20) days prior to the date of said hearing.

By posting a copy of the Notice of Improvement at or near the place of meeting of the City Council for ten (10) days prior to the time of said hearing.

By mailing a copy of the Notice of Improvement to each property owner in said proposed assessment district, said mailing to be sent not less than forty-five (45) days prior to the date of said hearing.

* * *

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION ACCEPTING REPORT AND SETTING HEARINGS OF PROTESTS

WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

1. At the direction of this Council, the Deputy Director of Public Works, as Engineer of Work for improvement proceedings in Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California, has filed with the City Clerk the report described in Section 10204 of the Streets and Highways Code (Municipal Improvement Act of 1913). This Council accepts the report without modification, for the purpose of conducting public hearings on the improvements described in the report.

2. This Council sets 7:30 P.M. on January 24, 1995, and 7:30 P.M. on January 31, 1995, at the Chambers of the City Council, 915 "I" Street, Sacramento, California, as the time and place for public hearings on the proposed improvements.

3. The City Clerk is directed to mail the notices of improvement required by the Municipal Improvement Act of 1913, and to file an affidavit of compliance.

* * *

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____



THE DAILY RECORDER

...Since 1911...

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CITY OF SACRAMENTO

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SAC. CITY CLERK (SAC)
915 I St., Rm. 304/ V. HENRY
Sacramento CA 95814

Proof of Publication

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

AD 7902

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/19/94

EXECUTED ON : 12/19/94
AT LOS ANGELES, CALIFORNIA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

C. Bramble

Signature

DJC8908231

Resolution No. 94-719
Adopted by the Sacramento City Council on Date of December 13, 1994
RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03

The City Council of the City of Sacramento resolves:

This Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

A. Preparation of plans and specifications for a future pumping plant and construction of drainage outfall pipelines for the future drainage pumping plant and appurtenances thereto, levee excavation and levee embankment, concrete outfall structure, rip rap, concrete stairway, concrete walk, pavement and pavement replacement, metal beam guard rail, chain link fence, concrete drainage ditch, traffic control, landscaping and revegetation within easements to be acquired on properties adjacent to the intersection of Garden Highway and El Centro Road. The outfall pipelines will be constructed from the future pumping plant to the Sacramento River in easements to be acquired lying within County Assessor parcel numbers, 274-0022-006, 274-0021-012 and 274-0021-005.

B. The acquisition of all lands, easements, facilities and rights and the performing of all work auxiliary to any of the above and necessary to complete the same.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Willowcreek Assessment District No. 94-03 (Pump Outfall Structure), City of Sacramento, State of California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California.

This Council intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Sacramento and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improve-

ment and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

In the event that the amount provided for in these proceedings is insufficient to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed which result from the administration and collection of assessment installments or from the administration or registration of the associated 1915 Act bonds and the various funds and accounts pertaining thereto, this Council intends, pursuant to Section 8682.1 and subparagraph (f) of Section 10204 of the California Streets and Highways Code, to impose an annual assessment upon each of the several parcels of land in this assessment district to provide therefor.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed twenty-four (24) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

This Council finds that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800, Streets and Highways Code) does not apply to these proceedings.

This Council appoints the Deputy Director of Public Works as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized

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GENERAL INVESTIGATIVE
DIVISION
FEB 21 3 04 PM '64

from the assessment it shall used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the City Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or

(c) For the maintenance of the improvements.

(d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

---, Mayor

ATTEST:

City Clerk

Ad No. 7902

SAC-DJC8908231/7902

12/19

1115 H Street P.O. Box 1048
Sacramento, California 95812
Telephone (916) 444-2355
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Sacramento CA 95814

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(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

AD 7902

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/19/94

EXECUTED ON : 12/19/94
AT LOS ANGELES, CALIFORNIA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


.....
Signature

DJC8908231

Resolution No. 94-719
Adopted by the Sacramento City Council on Date of December 13, 1994
RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN WILLOWCREEK ASSESSMENT DISTRICT NO. 94-03
The City Council of the City of Sacramento resolves:
This Council intends to order the following improvement under the authority of the Municipal Improvement Act of 1913:

A. Preparation of plans and specifications for a future pumping plant and construction of drainage outfall pipelines for the future drainage pumping plant and appurtenances thereto, levee excavation and levee embankment, concrete outfall structure, rip rap, concrete stairway, concrete walk, pavement and pavement replacement, metal beam guard rail, chain link fence, concrete drainage ditch, traffic control, landscaping and revegetation within easements to be acquired on properties adjacent to the intersection of Garden Highway and El Centro Road. The outfall pipelines will be constructed from the future pumping plant to the Sacramento River in easements to be acquired lying within County Assessor parcel numbers, 274-0022-006, 274-0021-012 and 274-0021-005.

B. The acquisition of all lands, easements, facilities and rights and the performing of all work auxiliary to any of the above and necessary to complete the same.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Willowcreek Assessment District No. 94-03 (Pump Outfall Structure), City of Sacramento, State of California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Willowcreek Assessment District No. 94-03, City of Sacramento, County of Sacramento, State of California.

This Council intends to levy a special assessment upon the land within the "described" district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Sacramento and this City now in use in the performance of a public function.

Where any disparity occurs in level or size between the improve-

ment and private property, this Council determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

In the event that the amount provided for in these proceedings is insufficient to pay various costs and expenses incurred from time to time by the City and not otherwise reimbursed which result from the administration and collection of assessment installments or from the administration or registration of the associated 1915 Act bonds and the various funds and accounts pertaining thereto, this Council intends, pursuant to Section 8682.1 and subparagraph (f) of Section 10204 of the California Streets and Highways Code, to impose an annual assessment upon each of the several parcels of land in this assessment district to provide therefor.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed twenty-four (24) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The City will not obligate itself to advance available funds from the City treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the City from, in its sole discretion, so advancing funds.

This Council finds that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800, Streets and Highways Code) does not apply to these proceedings.

This Council appoints the Deputy Director of Public Works as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this Council, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

If any excess shall be realized

from the assessment it shall used, in such amounts as the City Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, provided that such surplus may, if the City Council so determines, also be applied as a credit to the City or any local, state or national agency or authority which shall have made a contribution towards the cost and expenses of the acquisitions and improvements in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions; or

(c) For the maintenance of the improvements.

(d) To call bonds, thereby reducing outstanding assessments and subsequent assessment installments.

This Resolution was passed and adopted by the City Council of the City of Sacramento, County of Sacramento, State of California, this 13th day of December, 1994.

---, Mayor

ATTEST:

City Clerk

Ad No. 7902

SAC-DJC8908231/7902

12/19